

IN THE APPEALS COURT OF THE STATE OF MISSISSIPPI

LYNDON C. MYERS

PETITIONER

VS.

CAUSE NO. 2013-KA-00610 SCT

STATE OF MISSISSIPPI

RESPONDENT(S)

ORIGINAL

FILED

JAN - 8 2016

PETITION FOR AN ORDER TO SHOW CAUSE

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Comes Now, Petitioner, and filed this his Motion to Show Cause and would show unto this Honorable Court the following, to-wit:

I.

Statement of Facts

That Petitioner is an inmate confined at the Mississippi Department of Corrections as a result of a conviction from Madison County, Mississippi. Petitioner is not attacking the legality of his sentence.

That: On November 15, 2012, after a three day trial a jury in the Circuit Court of Madison County, Mississippi returned a verdict of guilty in connection to the May 16, 2012, armed robbery of the Dollar Tree store, located in Grandview Shopping Center in the above said county.

Then on January 9, 2013, the trial court in the above said county conducted a hearing and then sentenced the Petitioner on Count I, II, III, V, VI.

On March 11, 2013, the above court conducted a hearing for a new trial, which was denied on March 12, 2013. Then the Petitioner filed a direct appeal in the Supreme Court of Mississippi.

MOTION#

2016

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Whereas the Supreme Court upheld the sentence imposed by the trial court and on October 30th, 2014 a motion for rehearing was denied.

King, J., would have granted. I seek an opinion designed in a legal document. I have not yet received such an opinion for #2013-KA-00610-SC. This opinion would explain the mind set of the Justice King and enable me to file a proper PCR.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Honorable Court will grant this petition and enter an order requiring Respondents to show cause and set this matter for an evidentiary hearing. Alternatively, petitioner prays that this court will enter an order directing Respondents to expunge and void the proceedings heretofore stated for failure to recognize and comply with procedural due process.

Petitioner prays for any other relief that this Honorable Court deems to be just and proper under the facts and circumstances of this cause.

Respectfully Submitted,

Lyndon C. Myers #133645
Petitioner

STATE OF MISSISSIPPI
County of Greene

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said jurisdiction, the within named Petitioner,

CERTIFICATE OF SERVICE

I do hereby CERTIFY that I have this day served, via United States mail, first class postage prepaid, a true copy of the above and foregoing document upon the following person(s), addressed to them at his regular business mailing address, as next hereinafter set forth:

Bryan Buckley, Esq.
Assistant District Attorney
P.O. BOX 121
Canton, MS 39046

Muriel Ellis
Appeals Court Clerk
P.O. BOX 249
Jackson, MS 39209

Jim Hood
Ms. Attorney General
P.O. BOX 220
Jackson, MS 39209

This the 6 day of JAN, 2016 A.D.

Lyndon C. Myers
MDOC# 133645
SHCI Area 2 B1 B124
P.O. BOX 1419
Leakesville MS 39451

who, after first being by me duly sworn, stated on oath that the statements set forth in the above and foregoing are true and correct as therein stated.

SWORN TO AND SUBSCRIBED before me, this
the 6 day of Jan, 2016 A.D.

NOTARY PUBLIC



**MANDATE
SUPREME COURT OF MISSISSIPPI**

To the Madison County Circuit Court - GREETINGS:

In proceedings held in the Courtroom, Carroll Gartin Justice Building, in the City of Jackson, Mississippi, the Supreme Court of Mississippi entered a judgment as follows:

Supreme Court Case # 2013-KA-00610-SCT
Trial Court Case #2012-0431-JC

Lyndon C. Myers a/k/a Lyndon Myers a/k/a Lyndon Charles Myers a/k/a Lyndon C. Myers, III v. State of Mississippi

Thursday, 4th day of September, 2014

Count I: Conviction of armed robbery and sentence of thirty-five (35) years in the custody of the Mississippi Department of Corrections, Affirmed. Count II: Conviction of armed robbery and sentence of thirty-five (35) years in the custody of the Mississippi Department of Corrections, Affirmed. Count III: Conviction of armed robbery and sentence of thirty-five (35) years in the custody of the Mississippi Department of Corrections, Affirmed. Count V: Conviction of conspiracy to commit armed robbery and sentence of five (5) years in the custody of the Mississippi Department of Corrections, Affirmed. Count VI: Conviction of possession of a firearm by a convicted felon and sentence of ten (10) years in the custody of the Mississippi Department of Corrections, Affirmed. After Appellant has served one (1) day in the custody of the Mississippi Department of Corrections, Appellant shall be released and serve five (5) years on supervised post-release supervision, under the direction of the Mississippi Department of Corrections, with conditions. Sentences in counts I, II and III shall run concurrently. Sentence in count V shall run concurrently with the sentences in counts I, II and III. Sentence in count VI shall run consecutively with the sentences in counts I, II, III and V. Appellant shall pay court costs, fees and assessments in the amount of \$1,602.50 to be paid-in-full within ninety (90) days following release from custody. Appellant taxed with costs of appeal.

Thursday, 30th day of October, 2014

Motion for rehearing filed by Appellant is denied. King, J., would grant. Waller, C.J., not participating.

YOU ARE COMMANDED, that execution and further proceedings as may be appropriate forthwith be had consistent with this judgment and the Constitution and Laws of the State of Mississippi.

I, Muriel B. Ellis, Clerk of the Supreme Court of Mississippi and the Court of Appeals of the State of Mississippi, certify that the above judgment is a true and correct copy of the original which is authorized by law to be filed and is actually on file in my office under my custody and control.

Witness my signature and the Court's seal on November 6, 2014, A.D.

Muriel B. Ellis
CLERK

IN THE APPEALS COURT OF THE STATE OF MS

LYNDON C. MYERS

PETITIONER

VS.

CAUSE NO. 2013-KA-00610 SCT

STATE OF MISSISSIPPI

RESPONDENT

NOTICE OF MOTION

Comes Now, the Petitioner, Lyndon C. Myers, pro se, in the above styled and numbered cause and would bring on for hearing this his Petition for an Order to Show Cause to be heard at a time and place to be set by this Honorable Court.

This the 12 day of JAN, 2014.

Respectfully Submitted,

Lyndon C Myers

PETITIONER

MDOC # 133645

SMCI Area 2 B1 B124

Address

P.O. BOX 1419

LEAKEVILLE MS 39451

Address